

Appl. No. 09/233,443

RESPONSE

Docket No. BVL-105

REMARKS

Claims 21-22, 26, 29, 47-53, 55, 66-67, 96-111, 113, and 115 are pending.

Applicant thanks Examiner Webman for indicating that pending Claims 21-22, 26, 29, 47-52, 54-55, 57, 66-67, 96-97, 99, and 101-115 allowed as to the following elected species: (1) durum wheat species as a plasticizable matrix material and (2) microorganism nutraceutical species as an encapsulant. Applicant respectfully notes that Claims 54, 57, 112, and 114 have been canceled.

I. SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENTS

Applicant respectfully requests Examiner Webman to sign and return the Forms PTO-1449 submitted with the Fourteenth Supplemental Information Disclosure Statement filed via certificate of facsimile on June 25, 2004, and the Thirteenth Supplemental Information Disclosure Statement filed via certificate of mailing on June 17, 2004.

In a July 7, 2004 telephone conference, Examiner Webman indicated that he would consider these references when considering the Response to the Quayle Action.

II. REOPEN PROSECUTION TO NON-ELECTED SPECIES

As Claims 21-22, 26, 29, 47-52, 55, 66-67, 96-97, 99, 101-111, 113, and 115 are allowable, search and examination must continue as to the non-elected species of encapsulants, such as enzymes and probiotics. If an election of species is required by the Applicant, the Applicant hereby elects enzymes. Accordingly, Applicant notes that Claims 53, 98, and 100 have been withdrawn, but have not been canceled and are pending.

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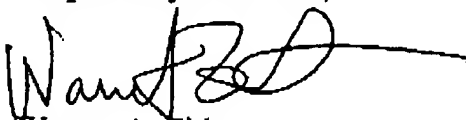
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III. CONCLUSION

In light of the foregoing remarks, this application is in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application.

Any additional fees should be charged to, or any overpayment in fees should be credited to, Deposit Account No. 501032 (Docket #BVL-105).

Respectfully submitted,



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